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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/486,000	06/08/1995	J CARL COOPER	G:/7434CIP	6206

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EXAMINER

RAO, SEEMA SRINIVAS

ART UNIT PAPER NUMBER

2661

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/486,000

Applicant(s)

COOPER ET AL.

Examiner

Seema S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17,19-23,25-31 and 33-129 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-17,19-23,25-31 and 33-129 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 30, 79, 94, and 104 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the above claims, "MPEG type" is indefinite because the scope of the invention is not clear. It extends the scope of the invention. The word "type" indicates the range of MPEG. AT the time the application was filed, applicant only disclosed MPEG 2. See the original specification pages 10, 13 and 14. Therefore, "MPEG type" must be changed to --"MPEG2--.

Specification

2. The amendment filed June 28, 2000 (#19) is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Page 10, line 5, "MPEG" is a new matter because the scope has been changed to include all versions of "MPEG" disclosed after the filing of this application (6/8/95). MPEG 2 is an industry standard. "MPEG" must be changed back to MPEG2. Note that only MPEG 2 was discussed on pages 10, 13, and 14 of the original specification and "MPEG" was added on June 28, 2000.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

3. Claims 1-5 and 67-71; 10-12 and 76-79; 14-17 and 80-83; 19-20 and 84-85; 28, 29, 31 and 92-93, 95; 33-40 42 and 96-103 and 105; and 43-66 and 106-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tweedy et al. (4,816,905) in view of Goldwasser et al. (U. S. 5,241,428).

The reference Tweedy et al., discloses an access system for multiple programs as in claims 1 (67), 10 (76), 28(92), 33(96), 37(100), 40(103), 43(106), 48(111), and 56(119) as an admitted prior art. A recording medium (storage media), as in claims 1(67), 10 (76), 28(92), 33(96), 37(100), 40(103), 43(106), 48(111), and 56(119), is disclosed in column 2, lines 18-19. At least one of the multiple programs including at least some displayable information, as in claims 1 and 67 is anticipated by the associated video display displaying the still image corresponding to the audio information for a program.

The limitation, substantive displayable information distinct from a listing of the programs allowing access, storage, and/or retrievable thereof, in all of the above said claims, is anticipated by the video clips received along with the audio and stored for later retrieval. (6 (72), 25(89) and 39(102). The reference discloses the limitations of 1 (67), 10 (76), 28(92), 33(96), 37(100), 40(103), 43(106), 48(111), and 56(119), compression and decompression in the abstract. A time-compressed audio is received which anticipates the claimed subject matter. The upcoming event, claims 3 (96) anticipated by the entertainment like Movie reviews, a sin column 3, lines 13-16.

Storing the programs at the user location as in claims 4(70) and 56(119) is disclosed in Fig. 1 of the reference.

The reference discloses all of the limitations of the claims but does not disclose the amended limitation of more than one program being stored at the user location. The secondary reference, Goldwasser et al., discloses a user location storing the programs and playing back in Fig. 3 and Fig. 5. Fig. 5 clearly shows more than one program being stored anticipates the claimed amended subject matter. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the local user storage media storing more than one programs for later viewing as disclosed in the secondary reference. Motivation being more convenient way of watching more programs even in spite of user interruptions to any of the programs. Refer to column 1, lines 29-52.

A means for accessing program information, as in claims 4(70), 5(71), and 28(92) is anticipated by Fig. 5 of Tweedy et al. A data manager as in claims 5(71), 8(74), and 38(101), reads on the access circuitry as shown in Fig. 5. the reference discloses transmitting program identification data accessing, and processing the program identification data as in claims 39 and 102 in column 2, lines 708. the data manager as in claims 39 and 102 reads on the access circuitry, a shown in Fig. 5.

The reference discloses an optical storage for storing the programs as in claims 11 and 77 in column 4, lines 33-34. A computer memory, as in claims 12 and 78 is disclosed in Fig. 5, element RAM. The reference discloses the processing of the program identification data as in claims 8, 27, 39, 74, 91, and 102 in column 2, lines 7-8.

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The reference discloses an access system having a storage capability of overwriting previously stored material, as in claims 14 (80) and 19(84) in Fig. 5, represented by RAM. The program information relative to the multiple channels of information and addition of other services as in claims 9, 75, 35 39, 102, 98, 36, 99, and 42 (105) are disclosed in column 2, lines 23-24.

Upcoming events, as in claims 49 (112), reads on any of the categories, as disclosed in column 2, lines 3-10. controlling the selective programs, to be automatically recorded, based on the data in the data manager, as in claim 50 (113), reads on the buffer and audio and video storage in Fig. 5. The user do not have any control over the transmitted programs, as in claim 51(114), and the programs being continuous, as in claims 52(115) are inherent to the broadcast system of the reference and is disclosed in column 2, lines 3-26. Different ways of personalizing the data to be recorded as in claims 15-17 (81-83), 57-62 (120-125) and 64-66 (127-129) are disclosed in column 2, lines 18-23.

The recording of data over the recorded programs as in claims 14 (80) and 63 (126) anticipated by the RAM in the memory of the receiver which is used for the temporary storage of the data. The recorder simultaneously recording the selected portions of the transmitted programs as the selected portion is being selectively retrieved by the user control, a sin claims 28 (92), 43(106), and 53(116) is disclosed in column 2, lines 18-20.

The limitations of selecting the accessible program from the multiple programs and means to alter the frequency of the frequency related operation is not disclosed in

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Tweedy et al. (claims 6, 7, 72, 73, 25, 26, 89, 90, 39, 102). The secondary reference, Goldwasser et al, discloses in the abstract controllably varying a time delay between the recording and the playback to compensate any time interruptions. A different run time as in claims 21-23 (86-88) and the interruption as in claims 22 and 86-87 is clearly anticipated by the different run time of the recorded and the playback of the secondary reference abstract (21 and 86). An interruption by the user is disclosed in the abstract. (claims 46 and 109) frequency as in claims 47 and 110 is anticipated by the run time delay , controllable delay time as in the abstract. A frequency modifier circuit as in claims 31 and 95 disclosed in column 5, lines 50-57.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the frequency of replaying materials from recording as disclosed in the secondary reference to continue with the program on schedule with any interruptions (abstract) with different run time.

The selected portion and at least one other selected portion are from the same program as in claims 44, 107 and different programs as in claims 45 and 108 are not disclosed in Tweedy et al., but the secondary reference, Goldwasser, discloses multiple programs and a display of later time discloses the multiple programs as per users wish anticipates the combination of different portions of the multiple programs Fig. 5 and 6. Therefore it would have been obvious to one of ordinary skill in the art the time the invention was modified for the display of various portions of multiple programs as disclosed in Goldwasser (refer to column 8, lines 1-19 providing multiple programs to be recorded simultaneously).

4. Claims 13 (79), 30(94), and 41(104) are rejected under 35 U.S.C. 103(a) as being unpatentable over Tweedy et al. (4,816,905) in view of Goldwasser et al. (U. S. 5,241,428) further in view of Barrett (U. S. 5,287,420).

The reference Tweedy et al. and Goldwasser et al., disclose all of the limitations of claims 30 (94), 13, (79), and 41 and (104) except for MPEG standard compression technique. The reference, Barrett discloses a video broadcasting system, compressing video to MPEG form in column 4, lines 41-47. Therefore, it would have been obvious to one of ordinary skill in the art to compress using MPEG standard to be a standardized compression technology to be able to be accessed by most of the users and achieve better compression.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young et al. (U. S. 5,353,121) is cited to show recording and play back of the programs.

Staron (U. S. 5,555,463) and Nakatani et al. (U. S. 5,887,114) are cited to show runtime modification.

Response to Arguments

Applicant's arguments with respect to pending claims filed June 17, 2002 have been considered but are moot in view of the new ground(s) of rejection. Applicants argument regarding multiple programs being stored at the user location ahs been rejected over a secondary reference, Goldwasser. The reference, Goldwasser discloses a simultaneous recording and playback device for multiple programs at the user location. The secondary reference teaches the run time delay modifications to accommodate any interruptions for the viewer. The concept of the invention ha been clearly disclosed in the reference, Goldwasser et al. Modification to the original program is anticipated by the fast forward, fast search or rewind or skipping the portion to catch up with live broadcasting program as in the secondary reference.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seema S. Rao whose telephone number is 703-308-5463. The examiner can normally be reached on Mon-Fri from 6-30 a.m.-3 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on 703-305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Seema S. Rao
Primary Examiner
Art Unit 2661

September 9, 2002

Response to Arguments

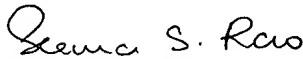
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seema S. Rao whose telephone number is 703-308-5463. The examiner can normally be reached on Mon-Fri from 6-30 a.m.-3 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on 703-305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Seema S. Rao
Primary Examiner
Art Unit 2661

September 9, 2002